IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 29957 of 2006(N)

PETITIONERS:

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1. **KERALA GOVERNMENT CLASS IV EMPLOYEES UNION, (RECOGNIZED BY THE GOVT. OF KERALA), REP. BY ITS SECRETARY, K.AJAY KUMAR, WORKING AS PEON, REGISTRATION DEPARTMENT, OFFICE OF THE SUB REGISTRAR, ANCHALUMOODU, QUILON.**

2. **K.S.SAMBATH KUMAR, PEON, OFFICE OF THE DEPUTY COMMISSIONER, COMMERCIAL TAXES, MATTANCHERRY, ERNAKULAM.**

3. **MAHADEVAN NAIR J., PEON, I.C.D.S., MUTHUKULAM SOCIAL WELFARE DEPT., KARTHIKAPPALLY TALUK, ALLEPPEY.**

4. **AJITHKUMAR K.S., S/O.K.K.SADASIVAN NAIR, KALLIAPPILLIL HOUSE, RAYAMANGALAM P.O., ERNAKULAM DISTRICT, PEON, SUB TREASURY, PERUMBAVOOR, ERNAKULAM.**

5. **ABDUL RAHMAN, PEON, CIVIL SUPPLIES DEPARTMENT, TALUK SUPPLY OFFICE, KUNNATHUNADU, PERUMBAVOOR.**

6. **SURESH T.P., PEON, RURAL DEVELOPMENT DEPARTMENT, BLOCK DEVELOPMENT OFFICE, KOTHAMANGALAM, ERNAKULAM.**

BY ADV. SRI.LAL GEORGE
SRI.ANIMON A. JOHN

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WPC.NO.29957/2006 N

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **PRINCIPAL SECRETARY TO GOVERNMENT,**
   PERSONAL AND ADMINISTRATIVE REFORMS DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. **PRINCIPAL SECRETARY TO GOVERNMENT,**
   REGISTRATION DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

4. **INSPECTOR GENERAL,**
   REGISTRATION DEPARTMENT,
   VANCHIYOOR P.O., THIRUVANANTHAPURAM.

5. **COMMISSIONER,**
   TAXES DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

6. **COMMISSIONER OF CIVIL SUPPLIES,**
   CIVIL SUPPLIES DEPARTMENT,
   THIRUVANANTHAPURAM.

7. **COMMISSIONER,**
   RURAL DEVELOPMENT DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

8. **DIRECTOR,**
   SOCIAL WELFARE DEPARTMENT,
   THIRUVANANTHAPURAM.

9. **DIRECTOR,**
   TREASURY DEPARTMENT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE ADVICE MEMO ISSUED TO THE 4TH PETITIONER DTD. 10/09/1999.**
EXT.P2:	**COPY OF THE ADVICE MEMO ISSUED TO SMT. PRIYA K.K. DTD. 13/10/1999.**
EXT.P3:	**COPY OF THE PROCEEDINGS OF THE KERALA WATER AUTHORITY DTD.22/10/2003.**
EXT.P4:	**COPY OF THE G.O.(MS) NO.186/06/LSGD DTD. 03/08/2006.**
EXT.P5:	**COPY OF THE COMMUNICATION ADDRESSED TO THE 1ST PETITIONER DTD. 19/09/2006.**
EXT.P6:	**COPY OF THE G.O.(MS) NO.31/06/GAD DTD. 25/01/2006.**
EXT.P7:	**COPY OF THE PROMOTION/POSTING ORDERS IN THE JUDICIAL DEPARTMENT (CIVIL WING), ALAPPUZHA DTD. 25/05/2006.**
EXT.P8:	**COPY OF THE PROCEEDINGS NO.A3-34722/02 DTD. 27/05/2006.**
EXT.P9:	**COPY OF THE PROCEEDINGS NO.220/2005/TSO DTD. 29/12/2005.**
EXT.P10:	**COPY OF THE ORDER NO.ADA1-7819/2000/HSE DTD. 04/04/2005.**
EXT.P11:	**COPY OF THE ORDER 9/2/2003 C.S.II ISSUED BY THE GOVERNMENT OF INDIA DTD. 20/04/2005.**
EXT.P12:	**COPY OF THE JUDGMENT IN WP(C) NO.11221/05 DTD. 04/04/2005.**
EXT.P13:	**COPY OF THE G.O.(MS) NO.313/2005/LSGD DTD. 26/10/2005.**
EXT.P14:	**COPY OF THE COMMUNICATION NO.3351/2004/GM DTD. 27/10/2004.**
EXT.P15:	**COPY OF THE COMMUNICATION NO.2801/R2/05 PERSONAL ADM & REFORMS DEPT. DTD. 10/03/2005.**
EXT.P16:	**COPY OF THE REPRESENTATION SUBMITTED BEFORE THE INSPECTOR GENERAL, REGISTRATION DEPT. DTD. 23/10/2006.**

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EXT.P17: COPY OF THE REPRESENTATION SUBMITTED BEFORE THE CHIEF SECRETARY TO GOVERNMENT TOGETHER WITH THE POSTAL REGISTRATION RECEIPT.

EXT.P18: COPY OF THE REPRESENTATION SUBMITTED BEFORE THE DIRECTOR CIVIL SUPPLIES TOGETHER WITH THE POSTAL REGISTRATION RECEIPT.

EXT.P19: COPY OF THE REPRESENTATION SUBMITTED BEFORE THE DIRECTOR SOCIAL WELFARE DEPARTMENT TOGETHER WITH THE POSTAL REGISTRATION RECEIPT.

6TH RESPONDENT'S EXHIBIT:

EXT.R6(A): COPY OF THE G.O.NO.11/74/PD DTD. 10/01/2004.

/TRUE COPY/

P.S.TO JUDGE

KSS

Antony Dominic, J.

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W.P(C).No.29957 of 2006

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Dated this the 16th day of August, 2007.

JUDGMENT

First petitioner is an association representing Class IV employees of the Various Departments of the Government of Kerala and petitioners 2 to 6 are Class IV employees themselves. Grievance of the petitioners is that there are no promotional avenues for Class IV employees and therefore, respondents should suitably amend the Rules. It is stated that realising this situation, the Rules have been amended in various other Departments and thus promotional avenues have been made available.

2. Petitioners point out the judgments rendered by the Supreme Court in **Raghunath Prasad** v. **Secretary, Home Department, Government of Bihar** – A.I.R. 1988 S.C. 1033 and **Dr. O.Z. Hussain** v. **Union of India** – A.I.R. 1990 S.C. 311 and would contend that it is the obligation of the Government to provide avenues of promotion, which will only improve the

efficiency in the service. Petitioner produced Exts.P16, P18 and P19 representations filed before respondents 4, 6 and 8 with a request to make suitable changes in the relevant Rules. It is stated by the petitioners that similar representations have been filed before other Heads of Departments also and all these representations remains unattended even now.

3. Taking into account the pendency of the representations, Exts.P16, P18 and P19, I direct that respondents 4, 6 and 8 shall take up the same and pass orders on that, expeditiously as possible, if these representations are received and are pending. Similarly, if the representations of others are received and are pending, it is upto to those respondents to take up the same and pass orders thereon.

With these observations, this Writ Petition is disposed of.

Antony Dominic,
Judge.

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